

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERT MARC LEEDS,	Case No. 3:15-cv-00261-LRH-VPC
	ORDER
v.	
WARDEN BACA, et al.,	
Respondents.	

On June 8, 2018, the Court entered an order finding Claim 13 unexhausted and directing petitioner to either abandon his unexhausted claim, dismiss the entire petition without prejudice, or file another motion for appropriate relief, including a motion to stay and abey. (ECF No. 62). On July 5, 2018, petitioner filed a declaration electing to abandon Claim 13 and a motion to accordingly dismiss that claim. (ECF No. 63). Accordingly, petitioner’s motion to dismiss (ECF No. 63) is GRANTED, and Claim 13 of the third amended petition is hereby DISMISSED.

IT IS FURTHER ORDERED that respondents file an answer to all remaining claims in the petition within thirty (30) days of the date of this order. The answer must include substantive arguments on the merits as to each remaining ground in the petition, as well as any procedural defenses which may be applicable. In filing the amended answer, respondents must comply with the requirements of Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts and shall specifically cite to and address the applicable state court written decision and state court record materials, if any, regarding each claim within the response as to that claim.

1 IT IS FURTHER ORDERED that petitioner may file a reply within thirty (30) days
2 of service of an answer.

3 IT IS FURTHER ORDERED that any state court record and related exhibits filed
4 herein by either petitioner or respondents shall be filed with a separate index of exhibits
5 identifying the exhibits by number. The CM/ECF attachments that are filed further shall
6 be identified by the number or numbers of the exhibits in the attachment. If the exhibits
7 filed will span more than one ECF Number in the record, the first document under each
8 successive ECF Number shall be either another copy of the index, a volume cover page,
9 or some other document serving as a filler, so that each exhibit under the ECF Number
10 thereafter will be listed under an attachment number (*i.e.*, Attachment 1, 2, etc.).

11 IT IS SO ORDERED.

12 DATED this 12th day of July, 2018.

13
14 
15 LARRY R. HICKS
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28